

U.S. Appln. No. 09/931,660
Reply to Office Action dated February 9, 2006

PATENT
450100-03393

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-8 are pending in this application. Claims 1-4, 7, and 8 are independent. Claims 4, 7 and 8 are hereby amended. No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-8 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,819,092 to Ferguson, et al. (hereinafter, merely "Ferguson").

Claim 1 recites, *inter alia*:

"An information-processing apparatus for transmitting data through a network, comprising:...

multiplexing means for multiplexing a unit cost per unit data and a first magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a first party and for multiplexing a unit cost per unit data and a second magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a second party;" (emphasis added)

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As understood by Applicant, Ferguson relates to a visual editing system for creating commercial online computer services. The system creates online services that consist of a number of sub-services. Each sub-service is a program that provides a particular type of functionality to the online services. Each sub-service has an associated database of information and a collection of scripts that handle events such as input from a user. The system features a fee setting tool that allows the developer to develop a fee structure for an online service.

Applicant respectfully submits that nothing has been found in Ferguson that would teach or disclose the above-identified features of independent claim 1.

Specifically, Applicant respectfully submits that Ferguson fails to disclose or suggest multiplexing means for multiplexing a unit cost per unit data and a first magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a first party and for multiplexing a unit cost per unit data and a second magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a second party, as recited in claim 1.

The Office Action relies on column 12, lines 15-23 of Ferguson to teach the above identified features of claim 1. However, "metering of user usage patterns for the online service; this can include the number of users who access the service, the duration of each user's connection time, the number of times that a certain part of the service is accessed...this data can be used to levy fees for users, advertisers, or information providers, or to tune the service itself" does not teach or suggest multiplexing a unit cost per unit data and a first magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a first party and for multiplexing a unit cost per unit data and a

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second magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a second party. Therefore, claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 2-4, 7 and 8 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

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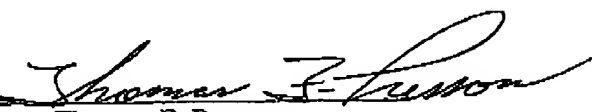
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Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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